

REMARKS

This application presently includes Claims 1-19, in which Claims 1-9, 11, 12 and 15-19 stand rejected. Claims 13 and 14 have been allowed. As apparent from the Amendments to the Claims attached to this response, Claims 1, 2, 7, 8, 10, 11 and 15-17 have been amended to define Applicant's invention more clearly. Claims 3, 4 and 6 have been canceled while Claims 20-23 have been newly added. Claims 5, 9, 12-14, 18 and 19 remain unchanged. Because the number of independent claims and the total number of the claims do not exceed three (3) and twenty (20) respectively, no additional fee is due under 37 C.F.R. §§ 1.16(b) and 1.16(c).

Drawings

The drawings have been objected to under 37 CFR 1.83(a). The Examiner stated that the push tab fold line which is displaced from the displaceable portion as defined in Claim 10 must be shown or the feature(s) canceled from the claim(s). In response to this objection, Claim 10 has been amended.

Claim 10 as amended now recites that the push tab is defined in the displaceable portion and is displaced from the initial position to the pushed position when pressure is applied. This amendment can find support on page 7, the first full paragraph. The arrangement of Claim 10 is now shown in Figures 3 and 4 in which the push tab 80 is initially defined in the displaceable portion 50, 52 (see Figure 3) and is displaced to the pushed position due to the pressure applied by the thumb (see Figure 4). Withdrawal of the drawing objection is requested.

Claim Rejections - 35 USC 112

Claims 15-19 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner mentioned that in each of Claim 15, "said side panels having end flap, respectively" is unclear. In response to this

rejection, the subject phrase in Claim 15 has been changed to "each of said side panels having an end flap". Withdrawal of the rejection under 35 USC 112 is respectfully requested.

Claim Rejections - 35 USC 102 & 103

Claims 1-5, 12 and 15 were rejected under 35 USC 102(b) as being anticipated by Holley, Jr. '419 (US 6,176,419). Claims 6-8 and 16-19 were rejected under 35 USC 103(a) as being unpatentable over Holley, Jr. '419 in view of Killy (US 4,396,143). In view of these rejections, Claims 1 and 15 have been amended. Each of Claims 1 and 15 now requires that the push tab is formed at least in part from the displaceable portion such that a recess is defined in the displaceable portion upon movement of the push tab into a pushed position. This limitation can find support in Figures 4 and 6. Such an arrangement is not disclosed in either Holley, Jr. '419 or Killy. In the arrangement of either Holley, Jr. '419 or Killy, upon removal of the respective displaceable portion, a recess is created in the seam of the remainder of the carton end. Such a recess damages the integrity of the remainder of carton end that is supposed to function as an article stopper. The arrangement of each of Claims 1 and 5 prevents or at least mitigate such damage by creating a recess in the displaceable portion, not in the remainder of the carton end. Accordingly, Claims 1 and 15 are allowable.

Claims 2, 5, 7-12 and 16-19 are dependent, or have been amended to be dependent, on either Claim 1 or 15, and therefore they are also allowable. Claims 3, 4 and 6 have been canceled without prejudice. Withdrawal of the rejections under 35 USC 102(b) and 103(a) are respectfully requested.

Allowable Subject Matter

The Examiner stated that Claims 13 and 14 were allowed.

New Claims

New Claims 20-23 depend indirectly from either Claim 1 or 15 and thus they are also allowable.

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Conclusion

It is earnestly requested that in view of the above remarks and the attached Amendments, the application, as a whole, receive favorable reconsideration, and that Claims 1, 2, 5 and 7-23 be allowed.

Respectfully submitted,


Tsugihiko Suzuki, Reg. No. 36,321

Date: September 28, 2005

MeadWestvaco, Law Department
4850D North Church Lane
Smyrna, GA 30080

Telephone: 404-897-4423
Facsimile: 404-897-4426

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Tsugihiko Suzuki

Date: September 28, 2005